THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, 7th May 1952.

The House met in the Assembly Chamber, Government Estate, Mount Road, Madras, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

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[*Note*.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—ADJOURNMENT MOTIONS.

(1) ADJOURNMENT MOTION *RE* PROMULGATION OF AN ORDER UNDER SECTION 144, CRIMINAL PROCEDURE CODE, IN MADRAS CITY ON 6TH MAY 1952.

MR. SPEAKER :—" There are no questions to be answered to-day. The hon. Member, Mr. Viswanatham has given notice of an adjournment motion. As there are no questions to be answered to-day I am going to take up that matter now. Mr. Viswanatham will now read out his motion."

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I want to move—

'*That under Rule 41 of the Madras Assembly Rules the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, the unjustified promulgation of an* ex parte *order under section 144, Criminal Procedure Code, on the 6th May 1952 containing false, mischievous and insulting allegations against a large section of the Members of the Legislature belonging to the United Democratic Front and the Communist Party and for causing inconvenience and obstruction and wrongful restraint to several members in the discharge of their duties.*'

" Sir, in explaining the scope of my motion I shall be brief. Sir, although section 144 order is issued sometimes for routine purposes of administration, yesterday's order was a unique one and issued for a special occasion. For, the order runs as follows :—

'Whereas it has been made to appear to me that the Members of the Legislative Assembly and the Legislative Council of the Madras State belonging to the United Democratic and the Communist Parties, and their supporters and sympathizers and the Dravida Kazhagam workers and sympathizers and the Communist Party members and their sympathizers have decided to stage demonstrations on May 6, 1952, in front of the New Assembly Hall, Government Estate, Mount Road, by taking out processions, shouting slogans and carrying placards and flags and that acts of violence and mischief are likely to be committed and that such processions, demonstrations, shouting of slogans and carrying plagards and flags are likely to lead to rioting and the disturbance of public tranquillity, and the breach of peace,

And whereas I am of opinion that immediate prevention and speedy remedy are necessary, in the interests of public safety and for the preservation of public tranquillity, and local security,

And whereas there is no time to serve notices on parties and it is necessary to pass orders *ex parte*,

I, " so and so, etc." '.

The remaining portion of the order I need not read. What I have read is quite sufficient for the present purpose. Sir, the whole thing has been passed *ex parte*. As is seen, the order is passed for a particular purpose. So, I submit, Sir, this cannot be taken as an order issued in the ordinary course of administration of law and order. It was issued as a special order for a particular occasion, namely, the proceedings of yesterday, dated 6th May 1952. I have to submit that the order contains absolutely incorrect statements. It says that the United Democratic Front met and decided to do something. The United Democratic Front never met on this issue and never decided any such thing. The question was not even mooted. The same thing is said of the Communist Party. In fact, no such thought ever occurred to the members of this Assembly. It originated only in the minds of those who signed and caused the issue of the order.

"Then, Sir, it was an order to take effect from 10 a.m. But really, it began to be enforced from early morning yesterday. Most of the Members of this House who were on their way to this House were actually, physically obstructed by the Police. I was myself one of such persons, and I had to argue with one or two Police officers; one of them happened to know me and so they did not molest me. Some Police officers began to ask, 'Where is your pass?' This is all wrongful restraint to several members. Now, Sir, where was the time after the passing of the order to arrange for the issue of passes? In fact, nobody knew that such an order was to be issued. So, Sir, some of the Members of this Assembly were physically obstructed and molested. One of them received injuries and it has appeared in the newspapers. So, Sir, this is an important issue and it should be discussed in this House. Then, Sir, round about the corridors in this Assembly Chamber . . ."

MR. SPEAKER :—"The hon. Member need not go into the details."

* SRI T. VISWANATHAM :—"I am only trying to prove to the House that this Section 144 order has not been issued in the ordinary course of administration. It is a definite matter, it is a matter of urgent public importance. Yesterday, all about the corridors within this very hall there were quite a number of Police officers, some with pistols also. They were found everywhere within the precincts; in front of retiring rooms and even close to the bath room. I submit this is an unwarranted invasion on the pivileges of this House. So, Sir, this is a definite matter of urgent public importance. It was only yesterday this Government started their life and an order like this issued on that very day must, therefore, be discussed on the floor of this House. So, Sir, I want to move my motion which raises a definite matter of urgent public importance. Sir, I pray for your ruling."

MR. SPEAKER :—"Before I say anything on the motion, I shall read the motion to the House. The motion is—

'That, under Rule 41 of the Assembly Rules, the business of the House do stand adjourned to discuss a definite matter of

urgent public importance, namely, the unjustified promulgation of an *ex parte* order under Section 144, Criminal Procedure Code, on 6th May 1952 containing false, mischievous and insulting allegations against a large section of the Members of the Legislature belonging to the United Democratic Front and the Communist Party and for causing inconvenience and obstruction and wrongful restraint to several members in the discharge of their duties.'

The hon. Member, Mr. Viswanatham, brought this motion to my notice and handed it to me in my Chamber. I told him, if the Government pass an order in the course of the day-to-day administration of the country it cannot be brought up as a matter of urgent public importance. Further this House has an opportunity to discuss this subject to-morrow during the debate on the address of His Excellency. So this motion anticipates debate on a subject which will come up to-morrow. The rule is very clear on this: Rule 42 (4) of the Madras Assembly Rules says—

'(4) The motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given, regard being had to the probability of the matter anticipated being brought before the House within a reasonable time.'

To-morrow, the House will be given an opportunijty to discuss this matter. So I cannot understand why I should allow this motion now. Secondly I want to rule the motion out of order on the other ground, namely, if the Government pass an order in their routine work of day-to-day administration that cannot form a subject-matter of discussion here. Before I give my final ruling on the matter, I want to know what the Government have to say on this motion."

* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Speaker, Sir, I only wish to say this; this motion for leave to move a motion for adjournment of business has to be discussed from two points of view. One is, whether it is proper and within the normal business of this House—apart from the question of whether you allow or disallow this motion—to discuss a matter of this kind. The other is on facts. Several statements have been made emphatically in the course of the preliminary speech by the hon. Member, Mr. Viswanatham. They require to be examined with reference to their accuracy. I think, if ultimately you should rule the motion in order, Government would like to have some time before they could reply, for they would like to know the actual facts from the officers concerned."

MR. SPEAKER :—" Before that, the question has to be decided whether this motion is in order."

* THE HON. SRI C. RAJAGOPALACHARI :—" Yes, Sir; I have grave objections to this motion. This order has been passed under section 144 of the Criminal Procedure Code. There are lawful means by which that order can be contested. I do not think that orders under the Criminal Procedure Code, that are passed under statutory provisions, can be brought up as matters for adjournment motions. If this motion were to be allowed then

there would be an enormous number of cases which would be brought up in this same way though for different reasons. It goes against the general principle that where a special machinery or tribunal has been provided for contesting such orders passed under the Criminal Procedure Code we should not take powers to revise them through adjournment motions. If the hon. Member considers there is a case of breach of privilege of this House there are also means provided for it, and the Speaker should be requested to take action separately. So, Sir, on these grounds, I think, there is a clear case for ruling the motion out of order, as far as I can see. Sir, this is all I have to say on behalf of Government."

MR. SPEAKER :—" I have to rule the motion of Mr. Viswanatham out of order. For, the order under section 144, Criminal Procedure Code, was passed in the course of the day-to-day administration of the Government. Further the motion is anticipating a matter which is to come up before the House to-morrow. So, for these two reasons I rule the motion out of order."

* SRI T. VISWANATHAM :—" Sir, now that you have been pleased to rule the motion out of order I want to press my submission on the ground of privilege."

MR. SPEAKER :—" I shall take it up to-morrow."

(2) ADJOURNMENT MOTION *RE* ALLEGED POLICE LATHI CHARGE AND SOME ARRESTS ON 6TH MAY 1952.

SRI PILLALAMARRI VENKATESWARLU :—" Mr. Speaker, Sir, I beg leave to move the following motion :—

'*That the business of this House be now adjourned to discuss a definite matter of urgent public importance, viz., the situation created by the action of the Police authorities in arresting nine persons and causing injuries to many due to a lathi charge on the 6th May 1952 in Madras City.*' "

MR. SPEAKER :—" I would request the hon. Member to be brief."

* SRI PILLALAMARRI VENKATESWARLU :—" Yesterday evening, Sir, as you might have known, about nine persons have been arrested by the Police here."

MR. SPEAKER :—" It is not only yesterday, but almost every day I am hearing of such a thing."

* SRI PILLALAMARRI VENKATESWARLU :—' Sir, yesterday evening, very near this Assembly premises about nine persons were arrested and taken away in a police van. Most of the members of the House witnessed that scene. So it is not correct to say that this is a day-to-day administrative matter, as you were pleased to remark in the case of the previous adjournment motion."

MR. SPEAKER :—" Is not the hon. Member's motion the same as the previous motion? "